

April 27, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 2602 SD1

On April 26, 2006, Senate Bill No. 2602, entitled "Relating to Adult Probation Records" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill adds persons and entities to the list of those who are allowed access to adult probation records to include court officers and designated social workers. The bill also allows the court to give contact information of current and former defendants to attorneys or collection agencies contracted to collect court penalties, fees, and judgments.

The statutory changes under Senate Bill No. 2602 have generally met the original intent of the bill to improve services to offenders, victims, and the community through selective release of information under collaborative relationships. The bill sought the release of information to selected individuals who facilitated the collection of delinquent monetary penalties and restitution. It also sought release of information to service providers to ensure offenders receive the proper substance abuse treatment.

The standard practice in substance abuse treatment is that the risk assessment and need for treatment services are obtained by a provider before placement decisions are made. Senate Bill No. 2602, however, states that the defendant's risk assessment and need for treatment services "shall be given only upon the acceptance or admittance of the defendant into a treatment program." Providing such information after the client is admitted is contrary to standard clinical practice, since a client should be admitted only if there is an assessed need for treatment.

Treatment providers, which are private nonprofit entities, objected to the above provision since it may result in admissions of clients who require specialized services that may be beyond a provider's program capacity or are inappropriate for the offender.

The Judiciary has indicated that despite these possible problems, they are willing to monitor the effects of the law and make suggested statutory changes to the 2007 Legislature.

Therefore, I allowed Senate Bill No. 2602 SD1 to become law as Act 36 effective April 26, 2006 without my signature.

Sincerely,

LINDA LINGLE